

1 BAILUS COOK & KELESIS, LTD.
2 GEORGE P. KELESIS, ESQ. (0069)
3 MARK B. BAILUS, ESQ. (2284)
4 517 S. Ninth Street
Las Vegas, Nevada 89101
Phone: (702) 737-7702
Fax: (702) 737-7712
E-mail: law@bckltd.com

EDWARD O.C. ORD, ESQ. (Pro Hac Vice)
California State Bar No. 52123
ORD & NORMAN
233 Sansome Street, Suite 1111
San Francisco, CA 94104

Attorneys for Theodore Lee

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * *

THEODORE LEE.

Plaintiff.

V.

UNITED STATES OF AMERICA,

Defendant.

And related Crossclaims.

Case No. 2:14-cv-00606-RCJ-PAL

**UNOPPOSED MOTION TO
EXTEND JOINT STATUS
REPORT DEADLINE AND
CONTINUE STATUS AND
DISPUTE RESOLUTION
HEARING DATE**

COMES NOW, Plaintiff THEODORE LEE, by and through his undersigned counsel and hereby moves this Court to issue an order that the deadline to complete the joint status report set forth in Order (Doc. #30) be continued forty-five (45) days. Further, that the status and dispute resolution hearing set for February 23, 2016 be vacated and continued forty-five (45) days or to a date and time thereafter that is convenient to this Honorable Court. Plaintiff sets forth the following in support of this motion:

1. That on or about December 11, 2015, lead counsel for Plaintiff, Edward O.C. Ord, Esq., fell and fractured his hip. Mr. Ord is being treated by Dr. Richard J. O'Donnell, M.D. at University of California, San Francisco for this injury.

1 2. That on or about December 13, 2015, Mr. Ord had major hip surgery. On or about
2 January 28, 2016, Dr. O'Donnell evaluated Mr. Ord's post-operative condition and projected in
3 his letter dated January 28, 2016¹ that he "will not be able to return to any employment until
4 March 21, 2016." Further, Dr. O'Donnell advised in his letter that upon his return, Mr. Ord's
5 office schedule "should be half-time until June 30, 2016."

6 3. That due to Mr. Ord's recent injury, the parties need additional time to complete the joint
7 status report and a continuance of the status and dispute resolution hearing.

8 4. Plaintiff requests that the deadline for the joint status report set forth in the Order (Doc.
9 #30) be extended forty-five (45) days to and including April 4, 2016.

10 5. Plaintiff further requests that the status and dispute resolution hearing currently set for the
11 23rd day of February, 2016, at 9:30 a.m. be vacated and continued forty-five (45) days or to a date
12 and time thereafter that is convenient to this Honorable Court.

13 6. The United States does not oppose Plaintiff's motion for an extension of the joint status
14 report and status and dispute resolution hearing for forty-five (45) days due to a recent injury to
15 Plaintiff's lead counsel but is nevertheless prepared to meet all current existing deadlines.

16 7. This motion is not being submitted for the purposes of delay but in order to insure that the
17 Plaintiff has a full and fair opportunity to preserve his claim for a refund of taxes.

18 DATED this 3rd day of February, 2016.

BAILUS COOK & KELESIS, LTD.

/s/ Mark B. Bailus
Mark B. Bailus, Esq. (2284)
517 S. Ninth Street
Las Vegas, Nevada 89101
Counsel for Plaintiff, Theodore F. Lee

²⁷ See Exhibit "1," a letter from Mr. Ord's treating physician, Richard J. O'Donnell, M.D.,
²⁸ attached hereto and incorporated herein as though fully set forth.

EXHIBIT “1”

From:

01/29/2016 10:41

#135 P.002/002

- If you are going home, you may resume normal activities.

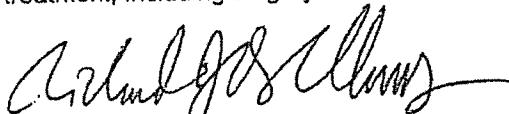
Instructions

January 28, 2016

<https://ucsfmychart.ucsfmedicalcenter.org/UCSFMyChart/inside.asp?mode=appdetals&dat=1&printmode=true>

To Whom It May Concern,

Mr. Edward Ord underwent major hip surgery on December 13, 2015 for a hip fracture. I saw him today in my office. I currently project that he will not be able to return to any employment until March 21, 2016. At that time, his office scheduled should be half-time until June 30, 2016. Requiring him to deviate from this limited duty recommendation would jeopardize fracture healing, resulting in the potential need for additional treatment, including surgery.



Richard J. O'Donnell, M.D.
Professor of Clinical Orthopaedic Surgery
Chief, Orthopaedic Oncology Service
Director, Sarcoma Program
University of California, San Francisco

UCSF Medical Center
UCSF Benioff Children's Hospitals
UCSF Bakar Cancer Hospital
UCSF Helen Diller Family Comprehensive Cancer Center

UCSF Ron Conway Family Gateway Medical Building
1825 Fourth Street, 4th Floor
San Francisco, CA 94158
415-885-3800 (office)
415-514-5661 (fax)

UCSF Benioff Children's Hospital
2303 Camino Ramon
Bishop Ranch 11, Suite 175
San Ramon, CA 94583
925-979-3450 (office)
925-979-3475 (fax)

Name: Ord, Edward (MRN: 06951813) DOB: [REDACTED]
Printed by Richard J. O'Donnell, MD at 1/28/16 5:12 PM

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Case No. 2:14-cv-00606-RCJ-PAL

[PROPOSED]
ORDER GRANTING UNOPPOSED
MOTION TO EXTEND JOINT
STATUS REPORT DEADLINE AND
CONTINUE STATUS AND DISPUTE
RESOLUTION HEARING DATE

The Court having read and considered the Unopposed Motion to Extend Joint Status Report Deadline and Continue Status and Dispute Resolution Hearing Date (“Motion”), and for good cause shown:

IT IS HEREBY ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that the deadline to complete the Joint Status Report is extended to and including April 4, 2016.

IT IS FURTHER ORDERED that the status and dispute resolution hearing currently set

1 for the 23rd day of February, 2016, at 9:30 a.m. be vacated and continued to the 21st day of
2 April, 2016 at 9:00 a.m.

3 DATED this 5th day of February, 2016.

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5 UNITED STATES MAGISTRATE JUDGE

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